

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09 cr 43**

UNITED STATES OF AMERICA,
Vs.
CHRISTOPHER DESHAWN NELSON,
Defendant.

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ORDER

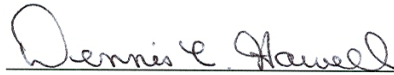
THIS CAUSE coming on before the undersigned pursuant to a motion filed by counsel for the defendant entitled “Motion to Strike Surplusage” (#10) which was filed pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure. In the motion, the defendant requests that certain language be deleted and stricken from the bill of indictment as surplusage. At the call of this matter on for hearing, Tom Ascik, Assistant United States Attorney, advised the court that the government had no objection to the granting of the defendant’s motion.

ORDER

IT IS, THEREFORE, **ORDERED** that the motion of the defendant, entitled “Motion to Strike Surplusage” (#10) is hereby **ALLOWED** and the following language is deleted and stricken from the bill of indictment as surplusage: “that is: Attempted Common Law Robbery & Assault with a Deadly Weapon infliction [sic] serious injury, Buncombe County, North Carolina Superior Court, September 19,

1999, and Possession of a Firearm by a Felon, Buncombe County, North Carolina
Superior Court, September 24, 2007".

Signed: June 25, 2009



Dennis L. Howell
United States Magistrate Judge

